

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Fig. 2 replaces the original sheet including Fig. 2.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Claims 1-17 are currently pending. Claims 14 and 16 have been amended. Claims 1-13 have been canceled. Claims 18-32 are new. Applicants submit that no new matter has been inserted in the application due to the amendments. Claims 14-23 will remain pending in this application after entry of this amendment.

In the Office Action of November 27, 2006, claims 1-13 were provisionally rejected under 35 USC §101 as claiming the same invention as that of claims 1-13 of copending Application No. 10/809559 and rejected/objected to those claims on other grounds. Solely in response to the statutory double patenting rejection, Applicants herein cancel claims 1-13. The drawings were objected to under 37 CFR 1.83(a) for failing to show features recited in the claims. The specification was objected to for not providing a title that was clearly indicative of the invention to which the claims are directed. Claims 14 and 15 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 6,212,240 to Scheibel et al. (hereinafter "Scheibel"). Claims 1-12 were rejected under 35 USC 103(a) as being unpatentable over Keaney et al. (hereinafter "Keaney"). Claims 16 and 17 were rejected under 35 USC 103(a) as being unpatentable over Scheibel in view of Keaney.

Applicants submit that each of the rejections is overcome by the amendments and arguments set forth herein.

Objections to Drawings

Applicants have amended Fig. 2 to include the transmitting and receiving antennas recited in the claims. Accordingly, Applicants respectfully request that the objections to the drawings be withdrawn.

Objections to the Specification

Applicants have amended the title of the application as provided above. Accordingly, Applicants request that the objections to the specification be withdrawn.

Objections to Claims

Claims 1-6 and 13 were objected to for various informalities. Applicants have canceled claims 1-6 and 13. Therefore, the objections to claims 1-6 and 13 are moot.

Rejections under 35 USC §112

Claims 1-12 were rejected for failing to comply with the written description requirement. However, Applicants have canceled claims 1-12. Therefore, the rejections of claims 1-12 are moot.

Rejections under 35 USC §102

Claim 13 was rejected as being separately anticipated by Keaney, by Rios, and by Lin. Applicants have canceled claim 13. Therefore, the rejection of claim 13 is moot.

Claims 14 and 15 were rejected as being anticipated by Scheibel. Applicants have amended independent claim 14, and Applicants respectfully submit that amended claim 14 is not anticipated by Scheibel. Amended claim 14 recites predetermined modulations and rates that are determined prior to transmitting of data or an acknowledgement. The modulations and rates used for transmitting data and/or acknowledgements are predetermined using one or more attributes of the first station and the second station.

In contrast, the modulations and/or data rates in Scheibel are variable. Scheibel describes transmitting a block of data to a target communication device using a first modulation, receiving an acknowledgement from the device, and changing modulations to a second modulation if the number of data blocks lost while transmitting using the first modulation exceeded a specified threshold. See Scheibel, Fig. 3, reference nos. 302, 304, 310,0 and 312. Therefore, the modulation and/or data rate in Scheibel are variable and are not predetermined using one or more attributes of the first station and the second station prior to transmitting data and/or acknowledgements from the first station to the second station (or vice versa) as recited in claim 14. Accordingly, Applicants submit that claim 14 is not anticipated by Scheibel.

Furthermore, Applicants submit that claim 15 is also allowable at least due to its dependence from independent claim 14.

Rejections under 35 USC §103

Claims 1-12 were rejected under 35 USC 103(a) as being unpatentable over Keaney in view of Rios. Applicants have canceled claims 1-12. Therefore, the rejection of claims 1-12 is moot.

Claims 16 and 17 were rejected under 35 USC 103(a) as being unpatentable over Scheibel in view of Keaney. Claim 16 and 17 depend from claim 14, and the rejections of claims 16 and 17 are premised on the assertion that Scheibel discloses the features recited in claim 14 and Keaney discloses or suggests the remaining features of claims 16 and 17. As discussed above, however,

Scheibel does not disclose or suggest all of the features recited in claim 14. Furthermore, Applicants submit that Keaney provides no teaching or suggestion that would remedy this deficiency. Therefore, the rejection is based on a flawed premise and cannot be maintained. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 16 and 17.

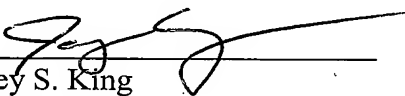
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

Date: April 26, 2007, 2007



Jeffrey S. King
Reg. No. 58,791

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (650) 326-2400
Fax: (650) 326-2422
Attachments
JSK/psc
60975585 v1